

## REMARKS

Claims 1, 2, 4-12, 14-26, 28, 30, and 32-38 are pending. Claims 1, 2, 4-12, 14-26, 28, 30, and 32-38 are amended. No new matter is believed to be added by way of the amendments.

The Office Action stated that claims 1, 2, 4-12, 14-26, 28, 30, and 32-38 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0142846 to Paulsen (hereinafter "Paulsen") in view of U.S. Patent Application Publication No. 2004/0097287 to Postrel (hereinafter "Postrel").

Applicants respectfully traverse these rejections for at least the reasons discussed below.

### *Examiner Interview*

Applicants thank the Examiner and his supervisor for courteously agreeing to the After-Final Interview held on May 3, 2011. Applicants' Representative Christian Scholz, Examiner Jason Pinheiro, and Supervisory Patent Examiner Melba Bumgarner participated. Claim 1 was discussed. Agreement was reached that while Postrel discloses a system which allows a player to find a teammate or opponent based on various player preferences for a game pre-selected by the player, Postrel does not appear to disclose a system in which a game routine is selected from a plurality of different game routines based on various player preferences. Potential claim amendments were discussed to clarify this point, and Mr. Scholz indicated he would file the present RCE with amendments based on these discussions. Applicants thank the Examiners for the constructive discussion.

### *35 U.S.C. §103(a) Rejections of Claims 1, 9, and 33*

The Office Action stated that independent claims 1, 9, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Paulsen in view of Postrel. Applicants respectfully traverse for at least the reasons discussed below.

Amended claim 1, for example, recites:

A gaming system comprising:

a network server comprising a network server controller, the network server controller comprising a processor and a memory operatively coupled to said processor, said network server controller ~~being~~ programmed to:  
~~receive request data relating to a request for a game,~~

receive preference data relating to preferences of a plurality of players, the preference data including first preference data for a first player and a second player,  
receive request data relating to a request for a gaming routine suggestion,  
wherein the request data is associated with the first preference data,  
~~receive game characteristics data relating to game characteristics of a plurality of available games,~~  
compare the first preference data with the preference data for said players in the plurality of players,  
select, based on the comparing, a gaming routine from a plurality of different available gaming routines, wherein the gaming routine is associated with second preference data of a second player in the plurality of players,  
~~select a game from said plurality of available games by comparing said preferences of said first player with said preferences of said second player, and provide said game~~ identify the gaming routine in response to [[said]] the request for the gaming routine suggestion;[[,]]  
 a gaming apparatus operatively coupled to [[said]] the network server, [[said]] the gaming apparatus comprising: a display unit capable of generating video images, a value input device and a gaming apparatus controller comprising a processor and a memory operatively coupled to [[said]] the processor,  
 [[said]] the gaming apparatus controller being programmed to:  
 provide [[said]] the network server with [[said]] the request data,  
 receive game selection data relating to ~~said game~~ the gaming routine,  
 cause [[said]] the display unit to generate a game display relating to ~~said game~~ the gaming routine,  
 determine a value payout associated with an outcome of ~~said game~~ the gaming routine.

The Office Action admits, with respect to claim 1 as previously presented, that Paulsen “does not disclose that said selection of said game is performed by comparing said first player preferences with said preferences of said second player.” (Office Action, page 3, lines 15-16). The Office Action then cites Postrel as teaching such a feature, stating:

Postrel discloses selecting an available game by comparing said first player preferences with said preferences of said second player (paragraph [0043] — paragraph [0047], players preferences are compared between two players and a game is selected based on the comparison of preferences). (Office Action, page 3, lines 16-19).

In accord with the observations made during the Examiner Interview, Applicants respectfully disagree with this statement regarding the teachings of Postrel with respect to amended claim 1.

Postrel does not disclose “select[ing], based on the comparing, a gaming routine from a plurality of different available gaming routines, wherein the gaming routine is associated with second preference data of a second player in the plurality of players.” Postrel discloses matching

*“players (as teammates or opponents) to play a game based on the profile of the players.” (Postrel, Abstract, emphasis added). It is important to note that Postrel describes a system in which a player who has selected a particular game routine for play may request to be matched with other players who may, based on their player profile data, be appropriate opponents or teammates for play within an instance of that particular game routine.*

Some discussion of gaming routines and game instances may help illustrate why Postrel fails to teach “select[ing], based on the comparing, a gaming routine from a plurality of different available gaming routines, wherein the gaming routine is associated with second preference data of a second player in the plurality of players.”

One gaming routine may be used to provide several instances of a particular game. For example, a poker gaming routine may be used to provide a first instance of a poker game played by player A, a second instance of the poker game played by player B, a third instance of the poker game played by player C, and so forth. All of these instances of the poker gaming routine are separate “games” in the sense that each player is free to play their own particular game instance regardless of how the other players are playing their particular game instances.

While Postrel does not use the particular terms “gaming routine” or “instance,” it is clear from Postrel’s specification how such terms would map to Postrel’s disclosed features. For example, consider paragraphs [0036] and [0037] of Postrel, which state:

In a simple case, a player issues a request 38 to the gaming server via his game playing computer to be matched with an opponent in order to play a certain game. For example, **Player 1 might want to play the game HALO** and request the gaming server to determine an appropriate opponent to play against Player A. After Player A issues a request to the gaming server, the gaming server utilizes one or more player matching algorithms to determine an appropriate list of players that would be suitable to play against Player A. That list of matched opponents is then sent to Player A for display on his monitor, and Player A may then select a desired opponent....

Once a player has selected a desired opponent (or teammate, depending on the request), then that selection is indicated back to the gaming server. The gaming server ... contact[s] that player in order to issue an invitation. ... If Player B declines, then Player A is given another chance to select an alternate opponent, and the invitation/response cycle continues until a player accepts the invitation and play is begun. **If Player B accepts, then play begins between Player A and Player B.** (Postrel, paragraphs [0036] and [0037], emphases added).

As described in paragraph [0036] of Postrel, Player A<sup>1</sup> “might want to play the game HALO....” In this context, Postrel is using the term “game” to refer to HALO in a generic sense, i.e., “would you like to play a game of HALO?” To actually initiate a play session of the HALO game, a particular instance of the HALO game routine would need to be created.

Postrel’s system would then provide a list of potential opponents to Player A. Player A may then select an opponent from the list, and an invitation is sent to the potential opponent, as described in paragraph [0037]. If the opponent accepts, “play begins between Player A and Player B.” In this context, Postrel uses the term “play” to refer to play of a particular instance of the HALO game routine. Both players would each start up their own instance of the HALO game routine and those instances would then be linked via network to facilitate play between Player A and Player B.

Postrel fails to describe “select[ing], based on the comparing, a gaming routine from a plurality of different available gaming routines, wherein the gaming routine is associated with second preference data of a second player in the plurality of players.” In Postrel, the only selecting which is done is of a teammate/opponent matched to a player for play in an instance of a particular game. The game for which teammate/opponent matching is done in Postrel is a game which is selected for play by the player. If a Postrel teammate/opponent accepts an invitation to play the particular game, an instance of that game is created and play begins. The game which is selected for play by the player would remain unaffected by the matching process.

Because Paulsen and Postrel, taken in combination or individually, fail to teach all of the elements recited in claim 1, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claim 1.

Independent claims 9 and 33 recite features similar to those discussed above with respect to claim 1. Applicants respectfully submit that arguments similar to those made above in support of claim 1 may be made in support of claims 9 and 33, and accordingly request withdrawal of the 35 U.S.C. §103(a) rejections of claims 9 and 33 for reasons similar to those presented above with respect to claim 1.

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<sup>1</sup> Applicants note that Postrel refers to “Player 1” at first in paragraph [0036], but this appears to be a typographical mistake since all of the remaining references in this paragraph are to “Player A.”

*35 U.S.C. §103(a) Rejection of Independent Claim 22*

The Office Action stated that independent claim 22 was rejected under 35 U.S.C. §103(a) as being unpatentable over Paulsen in view of Postrel. Applicants respectfully traverse for at least the reasons discussed below.

Amended claim 22 states, for example:

A gaming apparatus, comprising:

a display unit;

a value input device;

a controller operatively coupled to ~~[[said]]~~ the display unit and ~~[[said]]~~ the value input device, ~~[[said]]~~ the controller comprising a processor and a memory operatively coupled to ~~[[said]]~~ the processor, the controller programmed to:

~~said controller being programmed to~~ receive preference data relating to preferences of a plurality of players, the preference data including first preference data for a first player and second preference data for ~~[[and]]~~ a second player, wherein the second player is different from the first player,

~~said controller being programmed to~~ select a game characteristic from a plurality of game characteristics associated with a ~~plurality of available games~~ gaming routine by comparing ~~[[said]] the first player preferences~~ preference data with a plurality of preferences of a second player the second preference data, wherein said second player is other than said first player, said controller being programmed to cause ~~[[said]] the~~ display unit to generate a game characteristic selection display relating to ~~[[said]] the~~ game characteristic, the game characteristic selection display configured to allow for selection of a first game characteristic option from a plurality of game characteristic options for the game characteristic,

~~said controller being programmed to~~ cause ~~[[said]] the~~ display unit to generate a game display relating to ~~one of the following games: poker, blackjack, slots, keno or bingo~~ the gaming routine, and

~~said controller being programmed to~~ implement the game characteristic according to the first game characteristic option in ~~said one of said games that is displayed~~ the gaming routine ~~[[,]]~~

~~said controller being programmed to~~ determine a value payout associated with ~~an outcome of said one of said games that is displayed.~~

Amended claim 22 recites, in part, a controller programmed to “select a game characteristic from a plurality of game characteristics associated with a gaming routine by comparing the first preference data with the second preference data....” A game characteristic may be, for example, the game theme, the type of game, the potential payout amount of the game, whether the game is multiplayer-/single-player, etc. (Applicants’ published application, paragraph [0039]).

Applicants respectfully submit that neither Paulsen nor Postrel teaches such a feature.

Postrel, as is explained in detail above, is directed at suggesting suitable teammates or opponents for play of a game, and does not appear to be directed at selecting game characteristics at all, let alone by “comparing the first preference data with the second preference data” as recited in claim 22.

Paulsen discloses a gaming machine which may be customized to a particular player’s preferences. For example, a player may be able to control the denomination of the gaming machine, the volume of the gaming machine, the type of game played on the gaming machine, etc. However, Paulsen’s manipulation of gaming machine settings does not appear to involve a comparison of preference data for two different players, i.e., Paulsen does not disclose “select[ing] a game characteristic from a plurality of game characteristics associated with a gaming routine by comparing the first preference data with the second preference data,” where the “first preference data [is] for a first player and [the] second preference data [is] for a second player, wherein the second player is different from the first player...” as recited in claim 22.

Because Paulsen and Postrel, taken in combination or individually, fail to teach all of the elements recited in claim 22, Applicants respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claim 22.

#### *Dependent Claims*

The dependent claims include all of the features of the independent claims from which they depend and, therefore, are patentable for at least the reasons discussed with respect to claims 1, 9, 22, and 33. Thus, it is respectfully requested that the rejections to the dependent claims under 35 U.S.C. §103(a) be withdrawn.

*Conclusion*

For at least the foregoing reasons, it is respectfully submitted that all claims are allowable. Should the examiner believe that a telephone conference would expedite the prosecution of this application, applicant's attorney requests that the examiner contact him at the telephone number below.

Applicants hereby petition for any (additional) extension of time that may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this amendment is to be charged to Deposit Account No. 504480 (Order No. IGT1P205/P000899-001).

Respectfully submitted,  
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